

EINSTEIN et al.  
Appl. No. 10/560,723  
Atty. Ref.: 3665-166  
Amendment After Final rejection  
April 28, 2008

REMARKS

Reconsideration is requested.

Claims 3-15 and 17-34 have been canceled, without prejudice.

Claims 1-3, 16, 17, 32 and 33 are pending.

Claims 1, 2 and 16 will be pending upon entry of the present Amendment,

Claim 1 has been amended, as believed to be suggested by the Examiner. Claim 2 has been amended to specifically identify the distinctive fragment of SEQ ID NO: 92, namely the peptide sequence of SEQ ID NO: 183. No new matter has been added. The amendments have been made without prejudice and solely in order to expedite allowance of this application.

The Section 112, first paragraph "written description", rejection of claims 1, 3, 16, 17, 32 and 33 is believed to be obviated by the above amendments. Specifically, the Examiner has stated that "The written description in this case sets forth polynucleotide sequences comprising *the sequence set-forth* in SEQ ID NO:92 (see Figure 2, in particular)." See page 4 of the Office Action dated November 28, 2007.

The fragment of revised claim 2 is described, for example, in the specification wherein the polypeptide encoded by SEQ ID NO: 92 is described as containing a novel C-terminal exon which "*generates a unique amino acid sequence (SEQ ID NO 183)*" (see page 52, lines 27-28). For clarity purpose, the sequence of SEQ ID NO: 92 which encodes SEQ ID NO: 183 is located between nucleotides 1668-1721. Also, the specification indicates that "*the novel amino acids found in SEQ ID NOS 183 and 184 represent novel epitopes that are specifically expressed in prostate cancer in a*

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*membrane protein*" (see page 53, lines 10-11). The subject matter of claim 2 is therefore specifically described in the specification and one of ordinary skill in the art will appreciate that the applicants were in possession of the claimed invention at the time the application was filed.

Entry of the present Amendment and withdrawal of the Section 112, first paragraph, rejection are requested.

The Section 102 rejection of claims 1, 3, 16, 17, 32 and 33 over Gish (U.S. Patent Application Publication No. 2007/0014801 A1) is obviated by the above amendments. The cited art fails to teach or suggest the sequences of the revised claims. Entry of the present Amendment and withdrawal of the Section 102 rejection are requested.

The claims are submitted to be in condition for allowance and a Notice to that effect is requested after entry of the present Amendment.

The Examiner is requested to contact the undersigned, preferably by telephone, in the event anything further is required.

Respectfully submitted,

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